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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**HINDU AMERICAN FOUNDATION, INC.,
a Florida Not-For-Profit Corporation;
SAMIR KALRA; MIHIR MEGHANI;
SANGEETHA SHANKAR; DILIP AMIN,
SUNDAR IYER, RAMANA KOMPELLA
as individuals; and DOE PLAINTIFFS ONE
TO THREE,**

Plaintiffs,

v.

**KEVIN KISH, an individual, in his official
capacity as Director of the California Civil
Rights Department; and Does 1-50,
inclusive,**

Defendants.

Case No. 2:22-CV-01656-DAD-JDP

**SECOND JOINT STATUS REPORT
REGARDING DEVELOPMENTS IN
RELATED STATE COURT MATTER**

Comp. filed: September 20, 2022

First Am. Comp. filed: September 21, 2023

Judge: Hon. Dale A. Drozd

1 Plaintiffs Hindu American Foundation, Inc. (HAF), Samir Kalra, Mihir Meghani,
 2 Sangeetha Shankar, Dilip Amin, Sundar Iyer, Ramana Kompella, and Doe Plaintiffs (collectively
 3 “Plaintiffs”) and Defendant Kevin Kish, in his official capacity as the Director of the California
 4 Civil Rights Department (CRD) (together, the “Parties”), through their undersigned counsel and
 5 pursuant to Federal Rule of Civil Procedure 6 and Local Rule 144, hereby provide this Second
 6 Joint Status Report in accordance with the Court’s February 28, 2024 order to apprise the Court
 7 of recent developments in the related matter pending in California Superior Court for the County
 8 of Santa Clara, *CRD v. Cisco Systems, Inc.* (Case No. 20-cv-372366), that may materially affect
 9 this case, including a ruling on CRD’s pending motion for leave to amend its complaint.

10 In support of this Second Joint Status Report, the Parties jointly state as follows:

- 11 1. Plaintiff’s Complaint was filed on September 20, 2022 (ECF No. 1), and served on
 12 Director Kish on November 17, 2022 (ECF No. 4).
- 13 2. On February 6, 2023, Defendant filed his timely Motion to Dismiss Plaintiff’s
 14 Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) and
 15 supporting documents (ECF Nos. 8, 10). After considering the Parties’ briefing, the
 16 Court issued an order on August 31, 2023, that granted Director Kish’s Motion to
 17 Dismiss and provided leave for HAF to file an amended complaint within 21 days of
 18 entry of the order. (ECF No. 20).
- 19 3. On September 21, 2023, Plaintiff HAF filed its timely First Amended Complaint.
 20 (ECF No. 21). Plaintiffs’ First Amended Complaint includes two new claims and
 21 nine new plaintiffs, including three “Doe” Plaintiffs who seek to proceed under
 22 pseudonyms and whose identities have not been disclosed to Defendant Kish or his
 23 counsel. (ECF No. 21; *see* ECF No. 24).
- 24 4. On October 6, 2023, Plaintiffs filed their Motion to Proceed Under Pseudonyms for
 25 the three unnamed Doe Plaintiffs. (ECF No. 24).
- 26 5. Based on good cause shown, Defendant sought and has been granted four stipulated
 27 and unopposed extensions of time to respond to Plaintiffs’ First Amended Complaint
 28 and Motion to Proceed to Under Pseudonyms, for a total extension of 75, 61, 90, and

60 days, respectively. (ECF Nos. 22-23, 25-32). Defendant's response to Plaintiffs' First Amended Complaint and Motion to Proceed Under Pseudonyms are currently due on or before May 20, 2024. (ECF No. 32).

6. This case relates to a matter pending before the California Superior Court for the County of Santa Clara, *CRD v. Cisco Systems, Inc., et al.*, Case No. 20-cv-372366. (See, e.g., ECF No. 1, Compl. ¶ 9; ECF No. 21, First Am. Compl. ¶¶ 58, 65-75, Exh. A). There have been recent developments in *CRD v. Cisco Systems, Inc.* that have the potential to materially affect Defendant's response to, and this Court's consideration of, Plaintiffs' First Amended Complaint and Motion to Proceed Under Pseudonyms.

Final Resolution of Plaintiff HAF's Motion for Leave to Intervene in *CRD v. Cisco Systems, Inc.*

7. As previously noted, Plaintiff HAF filed a motion for leave to intervene in *CRD v. Cisco Systems, Inc.* (See ECF No. 10, 10-1 Exh. B; ECF No. 20). Plaintiff's motion came before the Superior Court for a hearing on November 16, 2023. The Superior Court issued a tentative ruling denying the motion to intervene and took the matter under submission following the hearing. On January 31, 2024, the Superior Court issued a final order denying Plaintiff's motion for leave to intervene in *CRD v. Cisco Systems, Inc.*

8. On March 29, 2024, Plaintiff HAF filed a notice of appeal of the Superior Court's January 31, 2024 order denying it leave to intervene. (See *HAF v. CRD*, Cal. 6th App. Dist. Case No. H051973).

9. On May 1, 2024, Plaintiff HAF filed a notice with the Superior Court that it is abandoning its appeal of the court's January 31, 2024 order once the state court docket reflected acceptance of the Second Amended Complaint.

CRD's Amendment of its Complaint in *CRD v. Cisco Systems, Inc.*

10. During the November 16, 2023, hearing on HAF's motion for leave to intervene, the Superior Court Judge noted from the bench that certain language in paragraph 1 of the state court complaint and its accompanying footnote were unnecessary for CRD to maintain its litigation. That language states: "As a strict Hindu social and religious

1 hierarchy, India's caste system defines a person's status based on their religion,
2 ancestry, national origin/ethnicity, and race/color—or the caste into which they are
3 born—and will remain until death.”

4 11. On December 7, 2023, the Superior Court ordered CRD to amend its state court
5 complaint to, among other things, identify its complainant by name. This order did
6 not require CRD to strike the language detailed in Paragraph 10, above. CRD filed
7 this amended complaint (First Amended Complaint).

8 12. In light of the Superior Court's statements at the November 16, 2023 hearing, on
9 December 11, 2023, CRD also filed a motion for leave to further amend its complaint
10 in *CRD v. Cisco Systems, Inc.* to remove the sentence detailed in Paragraph 10,
11 above, and the accompanying footnote.

12 13. On March 15, 2024, the Superior Court granted CRD's motion for leave to amend its
13 complaint.

14 14. On March 18, 2024, CRD filed its Second Amended Complaint, which removes the
15 language described in paragraph 10 above, and the accompanying citation footnote.

16 15. On April 26, 2024, Cisco Systems, Inc.—the only remaining defendant in the state
17 court action—filed its answer to CRD's Second Amended Complaint.

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1 Dated: May 1, 2024

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
4 WILLIAM H. DOWNER
Supervising Deputy Attorney General

5 /s/ Carly J. Munson
CARLY J. MUNSON
6 Deputy Attorney General
7 *Attorneys for Kevin Kish, Director of the*
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8 NARAYAN TRAVELSTEAD, P.C.

9 /s/ (as authorized on May 1, 2024)
10 Timothy C. Travelstead, Esq.
11 Scott C. Ku, Esq.
12 *Attorneys for Plaintiffs*